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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,301	11/08/2001	Rashid Ahmed Attar	PA010032B2	4692

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Qualcomm Incorporated  
Patents Department  
5775 Morehouse Drive  
San Diego, CA 92121-1714

EXAMINER
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NGUYEN, HUY D

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/007,301

Applicant(s)

ATTAR ET AL.

Examiner

Huy D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-19, 21-26, 28-30, 32-33 is/are rejected.
- 7) ☒ Claim(s) 7, 20, 27 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 12/20/2004 have been fully considered but they are not persuasive.

Regarding claims 26 and 30, the applicants submitted that Chheda teaches multipath coordination and power control but not based on imbalance. The examiner states that limitation "imbalance" is broadly claimed in claims 26 and 30 (which is defined in claims 7, 20, 27, and 31). Therefore, the mismatch between the pilot signal strength (carrier to total interference ratio) and T\_ADD or T\_DROP taught in Chheda reads on it.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7, 20, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 7, line 11: it is unclear what it means by "...at the one of the plurality is less...".

Regarding claim 20, line 12: it is unclear what it means by "...at the one of the plurality is less...".

Regarding claim 27, line 17: it is unclear what it means by "...at the one of the plurality is less...".

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-6, 9-10, 13-19, 22-23, 25-26, 28-30, 32-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Chheda (U.S. Patent No. 6,266,529).

Regarding claims 1, 14, Rohani teaches a method for managing a list of sectors capable of communication with a subscriber station in a communication system, comprising: receiving a request to remove a sector from the subscriber station's list (e.g., if mobile radio telephone 12 detects that the current sector active pilot signal strength has dropped below a lower threshold (T\_DROP), a PSMM is transmitted to the network by mobile radio telephone 12, requesting that such a sector be dropped from the active set – see Col. 9, lines 52-58); determining a reverse link quality metric from the subscriber station at the sector; retaining the sector in the subscriber station's list if said determined reverse link quality metric is sufficient (see Col. 9, lines 31-67; Col. 10, lines 1-15); and sending the retained sector (e.g., current active sector or the sector that the mobile unit is camping on) a data request message on a data request channel (e.g., sending the PSMM to BSC 33 via the current active sector – see Col. 9, lines 35-37).

Regarding claims 2, 15, Rohani teaches the method as claimed in claim 1, wherein said retaining the sector in the subscriber station's list if said determined reverse link quality metric is

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sufficient comprises: declining said received request to remove a sector from the subscriber station's list (Col. 9, lines 31-67; Col. 10, lines 1-15).

Regarding claims 3, 16, Rohani teaches the method as claimed in claim 1, wherein said retaining the sector in the subscriber station's list if said determined reverse link quality metric is sufficient comprises: determining a forward link quality metric at which a rate of data can be decoded; and setting a forward link quality metric threshold for the sector in accordance with said determined forward link quality metric (Col. 10, lines 16-58).

Regarding claim 4, Rohani teaches the method as claimed in claim 1, wherein said determining a forward link quality metric at which a rate of data can be decoded comprises: determining a forward link quality metric at which a minimum rate of data can be decoded (Col. 10, lines 16-58).

Regarding claims 5, 18, Rohani teaches the method as claimed in claim 1 further comprising removing a sector from the subscriber station list if said determined reverse link quality metric is insufficient (Col. 9, lines 31-67).

Regarding claims 6, 19, 26, and 30, Rohani teaches the method as claimed in claim 1 further comprising: determining whether an imbalance exists when the sector is retained in the subscriber station's list; and transmitting from at least the sector with the highest forward link quality metric a power control command determined in accordance with the highest reverse link quality metric if the imbalance exists (Col. 10, lines 16-58).

Regarding claims 9, 22, Rohani teaches the method as claimed in claim 1 wherein the communication system comprises the communication system in accordance with IS-95 standard (Col. 10, line 30).

Regarding claims 10, 23, Rohani teaches the method as claimed in claim 1 wherein the communication system comprises the communication system in accordance with wCDMA standard (Col. 10, lines 27-35).

Regarding claim 13, Rohani teaches the method as claimed in claim 1, further comprising: determining a forward link quality metric from a sector; and communicating from the subscriber station a request to remove the sector from the subscriber station list if said determined forward link quality metric is insufficient (Col. 9, lines 31-67; Col. 10, lines 1-15).

Regarding claim 17, Rohani teaches the apparatus as claimed in claim 14, further comprising: a second receiver configured to measure a forward link quality metric; and a second transmitter communicatively coupled to said second receiver configured to communicate from the subscriber station to a sector request to remove the sector from the subscriber station list if said determined forward link quality metric is insufficient (Col. 9, lines 52-58).

Regarding claims 28, 32, Rohani teaches the method as claimed in claim 26 wherein said transmitting from the sector with the highest forward link quality metric a power control command determined in accordance with the highest reverse link quality metric if the imbalance exists comprises: transmitting from the sector with the highest forward link quality metric a power control command determined in accordance with the highest reverse link quality metric if the imbalance exists for a pre-determined time (Col. 10, lines 16-58).

Regarding claims 29, 33, Rohani teaches the method as claimed in claim 26 wherein said measuring at a plurality of sectors belonging to the subscriber station's list a reverse link quality metrics of the subscriber station comprises: measuring at a two of sectors belonging to the

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subscriber station's list a reverse link quality metrics of the subscriber station (Col. 9, lines 25-30).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8, 11, 21, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chheda (U.S. Patent No. 6,266,529) in view of Vanghi (U.S. Patent Pub. No. US 2002/0111169).

Regarding claims 8, 21, Chheda does not teach the method as claimed in claim 1 wherein the communication system comprises the communication system in accordance with IS-856 standard. However, the preceding limitation is taught in Vanghi (paragraphs 0022, 0024). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to apply the teaching of Vanghi to the teaching of Chheda to increase system capability by allowing packet data handling.

Regarding claims 11, 24, Chheda does not teach the method as claimed in claim 1 wherein the communication system comprises the communication system in accordance with IS-2000 standard. However, the preceding limitation is taught in Vanghi (paragraphs 0022, 0025). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to apply the teaching of Vanghi to the teaching of Chheda to increase system capability by allowing packet data handling.

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8. Claims 12, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chheda (U.S. Patent No. 6,266,529) in view of Tiedemann, Jr. et al. (U.S. Patent No. 5,987,326).

Regarding claims 12, 25, Chheda does not teach the method as claimed in claim 1 wherein the communication system comprises the communication system in accordance with JSTD-008 standard. However, the preceding limitation is taught in Tiedemann, Jr. et al. (Col. 1, lines 13-25). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to apply the teaching of Vanghi to the teaching of Chheda to increase system capability by allowing packet data handling.

#### ***Allowable Subject Matter***

9. Claims 7, 20, 27, 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37



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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

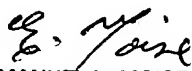
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Nguyen whose telephone number is 571-272-7845. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 703-306-0003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*h*

Huy Nguyen

  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER